



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/913,808	12/20/2001	Ernst Faber	FABER,S-7	5272

25889 7590 01/30/2003

WILLIAM COLLARD
COLLARD & ROE, P.C.
1077 NORTHERN BOULEVARD
ROSLYN, NY 11576

EXAMINER

CULLER, JILL E

ART UNIT PAPER NUMBER

2854

DATE MAILED: 01/30/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/913,808

Applicant(s)

FABER, ERNST

Examiner

Jill E. Culler

Art Unit

2854

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 December 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 10-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 10-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 December 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities: The language of the specification includes a number of redundant or unnecessary words. For example, on page 1, lines 15-16, in the phrase "pressed down against in relation to the stamp housing against spring force" the repetition of the word "against" appears to be redundant. On page 4, line 19, in the phrase "over at least across one broad side" the words "over" and "across" appear to be redundant. Grammatical inconsistencies of this type should be addressed throughout the specification.

Appropriate correction is required.

Claim Objections

2. Claims 10-18 are objected to because of the following informalities:

In claim 10, on line 5, it appears that the word "mechanisms" should be singular, "mechanism".

In claim 10, on line 6, there is no antecedent basis for the limitation "said purpose".

In claim 10, on lines 6-7, the phrase "the latter comprising" is confusing. It appears that "the latter" may be unnecessary.

In claim 12, on line 4, it appears that the word "locate" should be "located".

Appropriate correction and/or clarification is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 10-18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 10, on line 17, the phrase "with lateral limitation" is confusing. Although the claim appears to be that the recess stops before it reaches the edge in the direction of the narrow sides, the language is not clear.

In claim 17, on line 3, the word "a" is out of context. It is not clear what structure is intended to "extend" in this claim. Also, the phrase "extends slightly curved at the most" is unclear. Since the scope of the claim cannot be determined, prior art cannot be applied to this claim.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 10-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 4,432,281 to Wall et al. in view of U.S. Patent No. 5,855,170 to Shih and U.S. Patent No. 5,577,444 to Toyama.

Art Unit: 2854

With respect to claims 10-11, Wall et al. teaches a self-inking hand stamp with upper impact inking, comprising a stamp housing, 1, in which a stamp aggregate is arranged which is capable from moving from an inking position on an ink pad, 7, into a stamping position, with an actuating frame, 4, as well as a reversing mechanism being associated with the stamp aggregate for said purpose, whereby the actuating frame, 4, comprising a top side, two broad sides opposing each other and two narrow sides opposing each other, is mounted in the form of a cap on the top part of the stamp housing, 1, and comprises two legs for actuating the stamp aggregate, said legs resting laterally on the stamp housing, 1, and capable of being depressed relative to the stamp housing, 1, against spring force.

Wall et al. does not teach that the stamp is provided on the top side with a receiving recess for accommodating an information sheet, with a detachably mounted, transparent cover being associated with said receiving recess, characterized in that the receiving recess with lateral limitation toward the narrow sides, extends continually from the top side of the actuating frame to at least one of the broad sides of the actuating frame and that the transparent cover is correspondingly curved from the top side to at least one of the broad sides and formed as one single piece. Wall et al. also does not teach that the receiving recess extends with a generally U-shaped cross section to both broad sides of the actuating frame and that the cross section of the transparent cover is substantially U-shaped.

Shih teaches a hand stamp provided on the top side with a receiving recess, 31, for accommodating an information sheet, 35, with a detachably mounted transparent cover, 34, being associated with said receiving recess.

Toyama shows a hand stamp with a handle having a recess with lateral limitation toward the narrow sides, extending continually from the top side to at least one of the broad sides with a generally U-shaped cross section.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the hand stamp of Wall et al. using the receiving recess and transparent cover design of Shih in the shape of the recess of Toyama in order to be able to retain an information sheet along the top and sides of the hand stamp for maximizing the information provided to the user.

With respect to claims 12-16, Wall et al. teaches a cover, 4b, connected to the top of the actuating frame, 4, which has strip-like, center locking projections, shaped by molding on the edges of the cover, for snapping into locking recesses or windows located on the edge of the actuating frame. Wall also teaches an edge-side support protrusion for supporting the edge of the cover and, on the edge of the broad side area, a support protrusion extending adjacent to the narrow sides to the top side with its height close to zero.

Wall et al. does not teach that these locking projections are part of a transparent cover and receiving recess or that the locking projections form at the same time a means for holding the information sheet on the inner side of the transparent cover.

Shih teaches a transparent cover having locking projections, 341, which snap into locking recesses, 313, in the receiving recess and form a means for holding the information sheet on the inner side of the transparent cover.

It would have been obvious to one having ordinary skill in the art at the time of the invention to use the cover design of Wall et al. to attach the transparent cover of the proposed modified device of wall et al. in order to firmly seat the cover and retain the information sheet.

7. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wall et al., Shih and Toyama as applied to claims 10-16 above, and further in view of U.S. Patent No. 5,623,875 to Perets.

Wall et al., Shih and Toyama teach all that is claimed, as in the above rejection of claims 10-16, except that the transparent cover is curved both in the transverse and longitudinal directions.

Perets shows a hand stamp having a cover which is curved both in the transverse and longitudinal directions.

It would have been obvious to one of ordinary skill in the art at the time of the invention to further modify the handle design of Wall et al. using the curving structure of Perets in order to provide a more advantageous surface for grasping the stamp.

Conclusion


8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jill E. Culler whose telephone number is (703) 308-1413. The examiner can normally be reached on M-Th 7:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Hirshfeld can be reached on (703) 305-6619. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-7722 for regular communications and (703) 308-7722 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1782.

jec
January 27, 2003


ANDREW H. HIRSHFELD
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800